

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal No. 17-10079-JDB/egb
)	
vs.)	
)	
RUSSELL JANN,)	
)	
Defendant.)	

**GOVERNMENT’S UNOPPOSED MOTION TO
CONTINUE / EXTEND FILING DEADLINE
AND TO SET FOR CHANGE OF PLEA**

COMES NOW the United States of America, represented by D. Michael Dunavant, United States Attorney for the Western District of Tennessee, by and through Kasey A. Weiland, Assistant United States Attorney, and hereby moves this Honorable Court to extend by thirty (30) days the filing deadline set forth in 18 USC § 3161(b) and to set the instant matter for a change of plea. In support thereof, the United States submits as follows:

On September 6, 2017, the defendant was charged in a criminal complaint with possession, receipt, and attempted production of child pornography and use of the internet to send obscene material to a minor under the age of sixteen (16). In an earlier order, the Court extended the filing deadline set forth in 18 U.S.C. § 3161(b) until November 6, 2017, to allow the parties adequate time to engage in plea negotiations. The parties are now requesting a change of plea date, but due to scheduling conflicts, it appears that the earliest date that the parties could appear before the Court would be November 16, 2017. Accordingly, the parties are also requesting that the Court

grant one further extension of the deadline set forth in § 3161(b).

Pursuant to 18 U.S.C. § 3161(b), “[a]ny information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges.” Notwithstanding this requirement, subsection (h) provides that certain periods of delay “shall be excluded” in computing the time within which an information or indictment must be filed. This includes delays “resulting from consideration by the court of a proposed plea agreement to be entered into by the defendant and the attorney for the Government.” 18 U.S.C. § 3161(h)(1)(G). Also excludable is any period of delay resulting from a continuance granted by a judge “on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A).

The United States submits that the ends of justice would be served by granting the extension requested herein and setting this matter for a change of plea on November 16, 2017. The United States has consulted with Christina Wimbley, counsel for the defendant, who has no objection to the instant motion.

Respectfully submitted,

D. MICHAEL DUNAVANT
United States Attorney

By: /s/ Kasey A. Weiland
Assistant United States Attorney

CERTIFICATE OF SERVICE

I, Kasey A. Weiland, Assistant United States Attorney, do hereby certify that a copy of the foregoing Motion was forwarded by electronic means, via the Court's Electronic Filing System, to Christina Wimbley, Esq., Attorney for Defendant.

This 31st day of October, 2017.

/s/ Kasey A. Weiland
Assistant United States Attorney